



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

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October 26, 1988

George Douglass  
Callao, Star Route  
P.O. Box 380  
Wendover, UT 84083

Dear Mr. Allred:

RE: ORDER on Granite Creek

On file at the Division of Water Rights the following water rights are on Granite Creek:

Water	Owner	Status	Flow (cfs)	Uses & Time Period	Priority Right
18-552	BIM	DILIG.	4.6014	3608 Stock, 2 families 1/1-12/31. Fishery, 1/1-12/31	1903
18-32	Thousand Pk.	CERT.	18.0 cfs.	727.6 ac. 4/1-10/31 3 families, 3000 Stock 1/1-12/31 Combined with Red Cedar Storage 186 a.f. 4/1-10/31	1915
18-149	Falkenburg Mines	CERT.	0.11	Mining Ore 1/1-12/31 Domestic, 9 persons, 1/1-12/31	1953
18-432	Geo. Douglass	*APPD	3.833 OR 469.22 a.f.	156.805 acres 4/1-10/31	1980
18-577	Geo. Douglass	*APPD	0.167 OR 12.78 a.f.	3.195 acres 4/1-10/31	1980
18-464	EMB	*APPD	8.0	Power 1/1-12/31	1981
18-510	Geo. Douglass	*APPD	4.0 Same water as 18-432 & 18-577	Power 4/1-10/31	1984

\*APPD. Approved

18-559 Red Cedar	*APPD	18.0	1200 acres	4/1-10/31	1/23/1986
		Same water as 18-32			
18-577 Geo. Douglass	*APPD	0.167	3.0 acres	4/1-10/31	12/17/1986
a14128		OR	46 stock	1/1-12/31	
		12.78 ac.ft.	2 families	1/1-12/31	
18-578 Red Cedar	* APPD	13.0	Power	11/1-3/31	12/19/1986
		Total for	200.0 acres	11/1-3/31	
		Granite &	2602 stock	11/1-3/31	
		Red Cedar	Storage 19 a.f.	11/1-3/31	
18-32 Thousand Pks.	*APPD	18.0	727.6 acres	4/1-10/31	1987
a14271			3 families, 3000 stock,		
			1/1-12/31		
			Storage 1/1-12/31		
			Power 4/1-10/31		
			Other Storage 367 a.f.		
			4/1-10/31		

Ignoring the Diligence Claim of the BLM (18-552) and the Falkenburg Mines filing (18-149) and assuming a calendar year basis a priority schedule is as follows:

January 1 to March 31

<u>Priority</u>	<u>Water Right</u>	<u>Flow (cfs)</u>	<u>Uses</u>
1	18-32	18.0	Domestic & Stockwatering
2	18-464	8.0	Power
		Same water as 18-32	
3	18-577	0.167 OR	Domestic & Stockwatering
	a14128	12.78 ac.ft.	
4	18-578	13.0	Irrigation, Domestic,
		Includes Red Cedar	Power and Storage
		Tailwater from 18-464	
5	18-32	18.0	Domestic & Stockwatering
	a14271		

The first right is 18-32 for domestic and stockwatering. The original certificate on 18-32 does not quantify the number of stock or domestic, however, in a later Change Application it is quantified at 3 families and 3000 stock. The next right would be the power filing for FMB. Next in line is the Change Application for George Douglass for stockwatering and domestic - please note there is no irrigation or power generation for this time period from Water Right 18-577. The 13.0 second-

feet filing is next from the tailwater of the EMB plant. If no water is diverted for power generation then water under EMB for 18-464 and 18-553 (Red Cedar Creek Water) can not be diverted under 18-578. The final right would be the Change Application on 18-32; this would add some storage water.

April 1 to October 31

<u>Priority</u>	<u>Water Right</u>	<u>Flow</u>	<u>Uses</u>
1	18-32	18.0 cfs.  Only can divert 2182.8 a.f. from Both Red Cedar & Granite. Combined for Irrigation.	Irrigation, domestic, Storage
2	18-432	3.833 cfs. OR 469.22 a.f.	Irrigation
3	18-464	8.0 cfs. Same water as 18-32	Power
4	18-510	4.0 cfs. Same water as 18-432	Power
5	18-559	18.0 cfs. Same water as 18-32, Increased acreage Only	Irrigation
6	18-577 a14128	0.167 cfs. OR 12.78 a.f.	Irrigation, Stock, Domestic
7	18-32 a14271	18.0 cfs.	Irrigation, Stock, Domestic Power & Storage

This time period is fairly straight forward - the first right is 18-32 with the 2182.8 acre-feet limitation for irrigation from a combination of Granite Creek and Red Cedar Creek. 18-464 would use the same water as 18-32. Next is 18-432 limited to 469.22 acre-feet. 18-510 uses the same water as 18-432. Only when 18-32 and 18-432 are being fully served or when the acre-feet limitation is up can 18-559 be put to use. The Change Application 18-577 for Douglass would be next, then the Change Application on 18-32.

November 1 to December 31

<u>Priority</u>	<u>Water Right</u>	<u>Flow</u>	<u>Uses</u>
1	18-32	18.0 cfs.	Domestic & Stockwatering

2	18-464	8.0 cfs. Same water as 18-32	Power
3	18-577 a14128	0.167 cfs. OR 12.78 a.f.	Domestic & Stockwatering
4	18-578	13.0 cfs. Granite & Red Cedar Flow	Irrigation, Domestic, Stockwatering, Power & Storage
5	18-32 a14271	18.0 cfs.	Domestic & Stockwatering and Storage.

This time period is essentially the same as January 1 to March 31. No acre-feet limitation is given for 18-32, however, it is only for stockwatering and domestic uses. 18-577 has a limitation of 12.78 acre-feet for all uses and for the entire year. Until the 12.78 acre-feet is used up, 18-577 can be utilized.

Due to the problems that have happened in the past in the distribution of the waters of Granite Creek and the lack of measuring devices to regulate the distribution of water, I would like to bring the following to your attention:

According to Section 73-5-4 of the Utah Code Annotated, 1953:

"Every person using water in this state shall construct or install and maintain a substantial headgate, cap, valve or other controlling works, weir, flume and measuring device at each point where water is diverted or turned out, for the purpose of regulating and measuring the quantity of water that may be used. Such controlling works or measuring device shall be of such design as the State Engineer may approve and so that the same can be locked and kept set by him or his assistants in determining the amount of water that is to be diverted into his ditch from the stream or water source, or taken from it by the various users."

The Statute further states that,

"If the owner of irrigation works, canals, reservoirs, wells, pumps or tunnels shall refuse or neglect to construct or install such headgates, caps, valves, flumes or measuring devices after thirty days' notice to do so by the State Engineer, the State Engineer may forbid the use of water until the user thereof shall comply with his requirement or the State Engineer may proceed to construct or install or cause to be constructed or installed such controlling works or measuring devices, and the cost of the same shall be a lien against the lands and water rights served thereby, and the State Engineer is authorized to bring action in the name of the state to foreclose such lien."


It is, therefore, ORDERED that you are to install operating headgates and measuring

devices according to Section 73-5-4 of the Utah Code Annotated, 1953, by April 1, 1989, or the State Engineer will proceed to take action against you to restrict water use until the headgates and measuring devices are installed.

This Order is subject to the provisions of Rule R625-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provides for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Thank you for your cooperation in this matter and if you have any questions regarding this matter, please feel free to contact Lee Sim of the Distribution Section OR Jim Riley, Area Engineer.

Sincerely,



Robert L. Morgan, P.E.  
State Engineer

RLM/JER/11

cc: Steven E. Clyde, Attorney  
Lee Kapaloski, Attorney